

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TRAVIS SHEFFIELD,

Petitioner,

v.

STATE OF NEVADA, et al.,

Respondents.

Case No. 2:22-cv-00584-GMN-NJK

Order Granting Motion for Leave to File
Second-Amended Petition (ECF No. 15)

28 U.S.C. § 2254 habeas corpus petitioner Travis Sheffield has filed a motion for leave to file a second-amended petition. (ECF No. 15.) Respondents filed a non-opposition. (ECF No. 18.) The motion is granted.

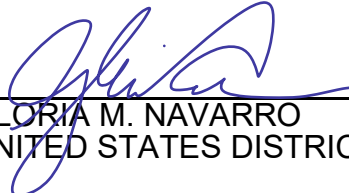
Under Federal Rule of Civil Procedure 15(a)(2), a party may amend a pleading with the court's leave. "The court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). Rule 15 reflects a "policy of favoring amendments to pleadings," and courts should apply that policy "with 'extreme liberality.'" *United States v. Webb*, 655 F.2d 977, 979 (9th Cir. 1981) (quoting *Rosenberg Brothers & Co. v. Arnold*, 283 F.2d 406, 406 (9th Cir. 1960)). When a court evaluates a request for leave to amend, a court may consider bad faith, undue delay, previous amendments on the part of the petitioner, potential prejudice to the opposing party, and whether amendment is futile. *In re Morris*, 363 F.3d 891, 894 (9th Cir. 2004).

Here, the Federal Public Defender (FPD), counsel for Sheffield, explains that he filed a protective first-amended petition without having time to fully research and investigate the claims. (ECF No. 15 at 3.) Respondents do not oppose leave to file a

1 second-amended petition, though their lack of objection is not to be construed as a
2 concession of the alleged merits or of any available defenses. (ECF No. 18.)

3 **IT IS THEREFORE ORDERED** that petitioner's motion for leave to file a second-
4 amended petition (ECF No. 15) is **GRANTED**. **The deadline to file the second-**
5 **amended petition is December 6, 2022.**

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7 DATED: 5 October 2022.

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9 GLORIA M. NAVARRO
UNITED STATES DISTRICT JUDGE